

立法會
Legislative Council

LC Paper No. CB(4)30/19-20
(These minutes have been
seen by the Administration)

Ref : CB4/SS/9/18

**Subcommittee on Subsidiary Legislation Relating to
the Central Military Dock**

**Minutes of the first meeting
held on Tuesday, 21 May 2019 at 10:45 am
in Conference Room 3 of the Legislative Council Complex**

Members present :

- Hon WONG Ting-kwong, GBS, JP (Chairman)
- Hon Starry LEE Wai-king, SBS, JP
- Hon CHAN Hak-kan, BBS, JP
- Hon CHAN Kin-por, GBS, JP
- Hon Paul TSE Wai-chun, JP
- Hon Claudia MO
- Hon Steven HO Chun-yin, BBS
- Hon Frankie YICK Chi-ming, SBS, JP
- Hon YIU Si-wing, BBS
- Hon MA Fung-kwok, SBS, JP
- Hon CHAN Han-pan, BBS, JP
- Dr Hon KWOK Ka-ki
- Hon KWOK Wai-keung, JP
- Hon Christopher CHEUNG Wah-fung, SBS, JP
- Hon CHU Hoi-dick
- Hon Jimmy NG Wing-ka, JP
- Dr Hon Junius HO Kwan-yiu, JP
- Hon HO Kai-ming
- Hon Holden CHOW Ho-ding
- Hon SHIU Ka-fai
- Hon CHAN Chun-ying, JP
- Hon CHEUNG Kwok-kwan, JP
- Hon AU Nok-hin
- Hon Tony TSE Wai-chuen, BBS
- Hon CHAN Hoi-yan

Member attending : Hon Wilson OR Chong-shing, MH

Members absent : Hon WONG Kwok-kin, SBS, JP
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon Alice MAK Mei-kuen, BBS, JP
Dr Hon Elizabeth QUAT, BBS, JP
Hon HUI Chi-fung

Public Officers attending : Item II

Security Bureau

Ms Mimi LEE
Deputy Secretary for Security 1

Mr Parson LAM
Principal Assistant Secretary (Security) D

Ms Trinky CHAN
Assistant Secretary for Security (A1)

Department of Justice

Ms Carmen CHAN
Senior Government Counsel

Clerk in attendance : Ms Angel WONG
Chief Council Secretary (4)4

Staff in attendance : Miss Rachel DAI
Assistant Legal Adviser 2

Miss Mandy NG
Senior Council Secretary (4)4

Miss Rachel WONG
Council Secretary (4)4

Ms Sandy HAU
Legislative Assistant (4)4

Action

I. Election of Chairman

Mr WONG Ting-kwong was elected Chairman of the Subcommittee. Members agreed that there was no need to elect a deputy chairman.

II. Meeting with the Administration

[Legislative Council Brief issued by the Security Bureau on 3 May 2019, L.N. 66, L.N. 67, L.N. 68, L.N. 69, and L.N. 70, of 2019, LC Paper Nos. LS69/18-19 and CB(4)896/18-19(02) to (03)]

Declaration of interest

2. Mr Tony TSE declared that he was a non-official member of the Harbourfront Commission.

Discussion

3. The Subcommittee deliberated on the following five items of subsidiary legislation relating to the Central Military Dock ("CMD") (index of proceedings attached at **Annex**):

- (a) Protected Places (Amendment) Order 2019 (L.N. 66 of 2019);
- (b) Protected Places (Safety) (Authorized Guards) (Amendment) Order 2019 (L.N. 67 of 2019);
- (c) Military Installations Closed Areas (Amendment) Order 2019 (L.N. 68 of 2019);
- (d) Shipping and Port Control (Amendment) Regulation 2019 (L.N. 69 of 2019); and
- (e) Merchant Shipping (Local Vessels) (General) (Amendment) Regulation 2019 (L.N. 70 of 2019).

Follow-up actions by the Administration

4. The Subcommittee requested the Administration to provide:

- (a) paper nautical charts showing the locations of the two marine restricted areas at the waters off CMD and the major fairways in the vicinity of the restricted areas; and

Action

- (b) a summary of the views and concerns collected from the local vessel trade over the proposed marine restricted areas during the Administration's engagement exercise.

(Post-meeting note: The Administration's written response was issued to members vide LC Paper No. CB(4)937/18-19 on 28 May 2019.)

Invitation of public views

5. Mr CHU Hoi-dick proposed holding a meeting to receive public views on the five items of subsidiary legislation relating to CMD. The Chairman directed the Secretariat to issue a circular to seek members' views on the proposal.

(Post-meeting note: The circular was issued to members vide LC Paper No. CB(4)912/18-19 on 21 May 2019.)

Legislative timetable

6. The Subcommittee agreed that the Chairman would move a resolution at the Council meeting to extend the scrutiny period of the five items of subsidiary legislation to the Council meeting of 26 June 2019.

(Post-meeting note: The resolution to extend the scrutiny period of the subsidiary legislation was passed at the Council meeting of 29 May 2019.)

Date of next meeting

7. Members agreed that a further meeting would be scheduled.

III. Any other business

8. There being no other business, the meeting ended at 12:46 pm.

**Proceedings of the first meeting of the
Subcommittee on Subsidiary Legislation Relating to
the Central Military Dock on Tuesday, 21 May 2019 at 10:45 am
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker(s)	Subject(s)	Action required
Agenda Item I – Election of Chairman			
000344-000600	Mr WONG Ting-Kwong Mr SHIU Ka-fai Mr CHAN Han-kan	Election of Chairman	
Agenda Item II- Meeting with the Administration			
000601-000657	Chairman	Opening remarks	
000658-001124	Chairman Administration Mr CHU Hoi-dick	Briefing by the Administration on the five items of subsidiary legislation relating to the Central Military Dock ("CMD") (L.N. 66 to 70 of 2019) ("the five items of subsidiary legislation")	
001125-001645	Mr Steven HO Administration	Local vessel trade's concerns over the proposed marine restricted areas at the waters off CMD The Administration was requested to provide paper nautical charts showing the marine restricted areas	
001646-002125	Ms Claudia MO Assistant Legal Adviser ("ALA") Administration	Arrangement for the construction of CMD under the Exchange of Notes between the Government of the People's Republic of China and the Government of the United Kingdom on the arrangements for the future use of military sites in Hong Kong ("the Exchange of Notes") Amendment(s) that could be made to the five items of subsidiary legislation	
002126-002617	Mr CHU Hoi-dick Administration	Commencement dates of the five items of subsidiary legislation Arrangements that would be made for the handover of CMD to the Hong Kong Garrison of the Chinese People's Liberation Army ("the Garrison")	
002618-003056	Mr AU Nok-hin Administration	Application for leave to apply for judicial review by a member of the public Opening CMD for public access and the use of the area surrounding CMD	
003057-003522	Mr Steven HO Administration	Local vessel trade's concerns over the proposed marine restricted areas at the waters off CMD	

Time marker	Speaker(s)	Subject(s)	Action required
		The Administration was requested to provide a summary of the views and concerns collected from the local vessel trade over the proposed marine restricted areas during the Administration's engagement exercise	
003523-004025	Chairman Ms Claudia MO ALA Administration	Penalty for inadvertent entry into CMD when it was closed for military use or into the four buildings at CMD Application for leave to apply for judicial review by a member of the public	
004026-004430	Mr CHU Hoi-dick ALA Administration	Arrangements that would be made for the handover of CMD to the Garrison Application for leave to apply for judicial review by a member of the public	
004431-004928	Mr AU Nok-hin Administration	Arrangements for opening CMD for public access Duties and power of authorized guards of CMD	
004929-005334	Mr CHU Hoi-dick Administration	The need for the Hong Kong Special Administrative Region ("HKSAR") Government to fulfill the outstanding undertaking set out in the Exchange of Notes	
005335-010011	Dr KWOK Ka-ki Administration	Estimated frequency of CMD being closed for military use	
010012-010455	Mr SHIU Ka-fai Administration	Defence functions of CMD	
010456-010902	Ms CHAN Hoi-yan Administration	Possibility of inadvertent entry into CMD when it was closed for military use	
010903-011617	Chairman Dr KWOK Ka-ki Administration	CMD being closed for military use Duties of authorized guards and law enforcement at CMD	
011618-011900	Mr SHIU Ka-fai	Inadvertent entry into CMD	
011901-012725	Mr AU Nok-hin Administration	Arrangements for opening CMD for public access and management of CMD Definition of unauthorized entry into protected place Authorized guards in respect of CMD and their enforcement power	
012726-014051	Chairman Mr CHU Hoi-dick Administration	Security arrangements for CMD as a protected place	

Time marker	Speaker(s)	Subject(s)	Action required
		The need for the HKSAR Government to fulfill the outstanding undertaking set out in the Exchange of Notes Suggestion of alternative to handing over CMD to the Garrison	
014052-014551	Mr MA Fung-kwok Administration	Defence functions of CMD Management of CMD by the Garrison	
014552-014942	Mr Tony TSE Administration	Arrangements for opening of military dock in Hong Kong for public access in the past	
014943-015129	Mr Steven HO	Defence functions of CMD	
015130-015737	Mr AU Nok-hin Administration	Definition of authorized entry and unauthorized entry into CMD and related civil liabilities under different circumstances	
015738-020156	Mr CHU Hoi-dick Administration	Possibility of opening CMD for major events	
Agenda Item III – Any other business			
020157-020538	Chairman Mr CHU Hoi-dick Ms CHAN Hoi-yan	Proposal of holding a meeting to receive public views Legislative timetable and date of the next meeting	